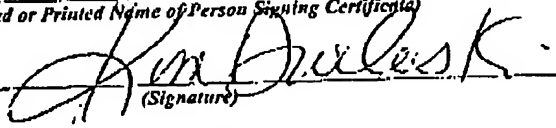


CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. END920030086US1	
Applicant(s): Ng et al.				
Application No. 10/713,227	Filing Date 11/13/2003	Examiner Rose, Kicscha L.	Group Art Unit 2822	
Invention: METHOD AND STRUCTURE TO USE AN ETCH RESISTANT LINER ON TRANSISTOR GATE STRUCTURE TO ACHIEVE HIGH DEVICE PERFORMANCE				
RECEIVED CENTRAL FAX CENTER APR 27 2005				
I hereby certify that this _____ <u>Restriction Election (2 pages)</u> _____ (Identify type of correspondence)				
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>)				
on <u>4/27/2005</u> (Date)				
 <u>Kim Dwileski</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)				
Note: Each paper must have its own certificate of mailing.				

P18/REV02

RECEIVED
CENTRAL FAX CENTER

APR 27 2005

Docket No. END920030086US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ng *et al.*

Group Art Unit: 2822

Filed: 11/13/2003

Examiner: Rose, Kiesha L.

Serial No.: 10/713,227

**Title: METHOD AND STRUCTURE TO USE AN ETCH RESISTANT LINER ON
TRANSISTOR GATE STRUCTURE TO ACHIEVE HIGH DEVICE PERFORMANCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESTRICTION ELECTION

In response to the Restriction Requirement dated April 18, 2005, Applicants hereby provisionally elect Group II, claims 1-21, drawn to method of making a semiconductor device, Class 438, subclass 230. This election is made with traverse, and Applicants hereby reserve the right to file a divisional application in connection with unelected claims 22-31, drawn to a semiconductor device.

With regard to the Restriction Requirement, Applicants respectfully submit that the subject matter of all claims 1-31 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicants respectfully submit that the search and the examination of the

10/713,227

entire application could be made without serious burden. See MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits." Applicants respectfully submit that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Should the Examiner require or request anything further from Applicants prior to examination, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below. Otherwise, Applicants request early and favorable examination on the merits. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0457.

Date: 04/27/2005

Jack P. Friedman
Jack P. Friedman
Registration No. 44,688

Schmeiser, Olsen & Watts
3 Lear Jet Lane, Suite 201
Latham, New York 12110
(518) 220-1850

10/713,227